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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 276]

भोपाल, शनिवार, दिनांक 3 जुलाई 2021—आषाढ़ 12, शक 1943

विधि और विधायी कार्य विभाग

उच्च न्यायालय, मध्यप्रदेश, जबलपुर

Jabalpur, the 29th June 2021

No. B-3288.—In exercise of the powers conferred by sub-section (1) of Section 34 read with sub section (2) of Section 16 of the Advocates Act, 1961 (Act No. 25 of 1961), the High Court of Madhya Pradesh, hereby makes the following amendments in “The High Court of Madhya Pradesh (Designation of Senior Advocates) Rules, 2018”, namely:—

AMENDMENTS

In the said Rules,—

1. In Rule 1 of the existing Rules, the words “**Short Title.—**” shall be deleted.
2. In Rule 2 of the existing Rules, the words “**Commencement.—**” shall be deleted.
3. After Rule 2 of the existing Rules, the following Rule as “3” shall be added, namely:—
 - “3. **Definitions**—In these Rules, unless the context otherwise requires:—
 - (a) “Advocate” means an advocate defined in the Advocates Act, 1961.
 - (b) “High Court” means the High Court of Madhya Pradesh.
 - (c) “Instructing Advocate” means an advocate other than a senior advocate, who has been instructed by party in the matter.
 - (d) “Roll” means the roll of Advocates prepared and maintained under the Advocates Act, 1961.
 - (e) “Tribunal” includes any authority or person legally authorized to take evidence and before whom advocates are by or under any law for the time being in force, entitled to practise.”

4. Rules "3", "4" and "5" of the existing Rules shall be renumbered as Rules "4", "5" and "6" respectively.
5. Rules "6" of the existing Rules shall be renumbered as Rules "7" and after the word "Applications", the word "including" shall be replaced by the word "and". At the end, after the word "Secretariat", the following shall be added, namely:—

"On receipt of such applications or proposals from Hon'ble Judges, the Secretariat will compile the relevant data and information with regard to the reputation, conduct, integrity of the Advocate (s) concerned including his participation in pro-bono work; reported judgments in which the concerned Advocate (s) had appeared; the number of such judgments for the last five years. The source (s) from which information/data will be sought and collected by the Secretariat will be as decided by the Permanent Committee."
6. After renumbering of existing Rule "6" as Rule "7", the following Rules as "8" and "9" shall be added, namely :—

"8. The Advocate concerned along with the application referred to in Rule 7 supra, shall append his certificate that he has not applied to any other High Court for being designated as Senior Advocate and that his application has not been rejected by the High Court concerned within a period of two years prior to the date of the application.

9. Canvassing in any manner by the Advocate concerned for designation as a Senior Advocate shall disqualify him from being so considered or designated".
7. Rules "7" and "8" of the existing Rules shall be renumbered as Rules "10" and "11" respectively.
8. Rule 9 of the existing Rules shall be deleted and new Rule 12 shall be substituted in place of Rule 9, namely :—

"12. An advocate shall be considered for being designated as a Senior Advocate only if he has actually practiced as an advocate for not less than 10 years in the High Court of Madhya Pradesh Principal Seat at Jabalpur or its Benches at Indore and Gwalior or Courts subordinate to High Court of Madhya Pradesh."
9. Rule "10" of the existing Rules shall be renumbered as Rule "13". In this Rule, in the second and third line, the numbers "4" and "5" shall be replaced by the numbers "5" and "6" respectively.
10. Rule "11", "12" and "13" of the existing Rules shall be renumbered as Rules "14", "15" and "16" respectively.
11. Rules "14" of the existing Rules shall be renumbered as Rule "17" and between the words "Committee" and "shall", the words "along with all documents and necessary details" shall be inserted.
12. Rules "15" and "16" of the existing Rules shall be renumbered as Rules "18" and "19" respectively.
13. Rule "17" of the existing Rules shall be renumbered as Rule "20" and the heading "**The name not to be reconsidered for next 2 years.-**" shall be deleted.
14. Rule "18" of the existing Rules shall be renumbered as Rule "21".

15. Rule "19" of the existing Rules shall be renumbered as Rule "22" and in the proviso, the number "18" shall be replaced by "21".
16. Rule "20" of the existing Rules shall be renumbered as Rule "23".
17. Rule "21" of the existing Rules shall be renumbered as Rule "24" and the heading "**Restrictions on Senior Advocates.-**" shall be deleted. After Sub-Rule (6) of this Rule, in the part of "Explanation", the words "In this rule" shall be made unbold and the sign. "—" along with the capital roman number "(I)" shall be deleted. In the part of "Explanation", the paragraph starts from the words "Act in" shall be joined with the words "In this Rule" and both the clauses (II) and (III) shall be deleted.
18. Rule "22" of the existing Rules shall be renumbered as Rule "25" and the heading "**Intimation of cancellation of Designation.**" shall be deleted.
19. Rule "23" of the existing Rules shall be renumbered as Rule "26" and the heading "A Record of Designations to be Maintained." shall be deleted and at the last, the number "5" shall be replaced by "6".
20. After renumbering of existing Rule "23" as Rule "26", the following Rule shall be added as Rule "27", namely :—
 - "27. Nothing contained in these rules shall stand in the way of an Advocate who has been designated by the High Court of Madhya Pradesh as a Senior Advocate, from submitting an application to withdraw or recall his/her designation as a Senior Advocate. In the event of such an application addressed to the Secretary to the Secretariat being submitted, the same shall be placed before the Permanent Committee for appropriate action."
21. Rule "24" of the existing Rules shall be renumbered as Rule "28" and in the heading' after the word "**Repeal**", the words "**and Savings**" shall be added.
22. Rules 25 and 26 of the existing Rules shall be deleted.
23. In the "PROFORMA OF PARTICULARS" of existing Rules, in fourth line of the Title, the number "10" shall be replaced by "13".

RAJENDRA KUMAR VANI, Registrar General.

गोपाल श्रीवास्तव, सचिव.